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Outgoing
00250005

Page 1 of 1

#3820
K

Suzanne Steab - NOV #10084

From: Suzanne Steab
To: Kirk Nicoles; blbnead@altoncoal.com
Date: 5/2/2011 3:52 PM
Subject: NOV #10084
CC: Daron Haddock; Kevin Lundmark
Attachments: NOV10084.pdf

Attached is NOV #10084, Discharging water. The original will be mailed certified 5/3/11.

Thanks

Subject: NOV #10084
Created By: SUZANNESTEAB@utah.gov
Scheduled Date:
Creation Date: 5/2/2011 3:52 PM
From: Suzanne Steab

Recipient	Action	Date & Time	Comment
To: blbnead@altoncoal.com (blbnead@altoncoal.com)	Transferred	5/2/2011 3:53 PM	
CC: Daron Haddock (daronhaddock@utah.gov)	Delivered	5/2/2011 3:52 PM	
CC: Kevin Lundmark (kevinlundmark@utah.gov)	Read	5/2/2011 3:53 PM	
To: Kirk Nicoles (knicholes@altoncoal.com)	Transferred	5/2/2011 3:53 PM	



Citation for Non-Compliance Utah Coal Regulatory Program

1594 West North Temple, Salt Lake City, UT 84114

Phone: (801) 538-5340 Fax: (801) 359-3940

Citation #: 10084

Permit Number: C0250005

Date Issued: 05/02/2011



NOTICE OF VIOLATION



CESSATION ORDER (CO)



FAILURE TO ABATE CO

Permittee Name: ALTON COAL DEVELOPMENT LLC

Inspector Number and ID: 63 KLUNDMAR

Mine Name: COAL HOLLOW

Date and Time of Inspection: 04/20/2011 9:30 am

Certified Return Receipt Number: 7005 0390 0000 7507 4948

Date and Time of Service:

Nature of condition, practice, or violation:

Water was being discharged from a 4-inch PVC pipe draining an ad-hoc impoundment created in the former natural Lower Robinson Creek channel. Operator began discharging upon receipt of RCRA 8 analysis of water samples. Operator did not consult with the Division prior to discharging the impounded water. This outfall location is not a permitted outfall under the Coal Hollow UPDES Permit #UTG040027.

Provisions of Act, regulations, or permit violated:

[R645-301.751]: Water Quality Standards and Effluent Limitations

UPDES Permit #UTG040027, Page 4. Discharge from any outfall location other than those specifically designated in the UPDES permit is not authorized and a violation of the Utah Water Quality Act and may be subject to penalties under the Act.

**This order requires Cessation of ALL mining activities. (Check box if appropriate.)**

Condition, practice, or violation is creating an imminent danger to health or safety of the public.



Permittee is/has been conducting mining activities without a Permit.



Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.

Permittee has failed to abate Violation(s) included in ☐ Notice of Violation or ☐ Cessation Order within time for abatement originally fixed or subsequently extended.**This order requires Cessation of PORTION(S) of mining activities.**Mining activities to be ceased immediately: ☐ Yes ☐ No

Abatement Times (if applicable).

Action(s) required: ☒ Yes ☐ No

Operator is required to terminate all discharge activity from non-UPDES permitted outfalls and report this noncompliance incident to Division of Water Quality in accordance with Section II.J. of UPDES Permit # UTG040027.

(Print) Permittee Representative

KEVIN LUNDMARK

(Print) DOGM Representative

Permittee Representative's Signature - Date

DOGM Representative's Signature - Date

SEE REVERSE SIDE Of This Form For Instructions And Additional Information

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Coal Mined Land Reclamation Act, Utah Code Ann. § 40-10-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Notice of Violation or Cessation Order must be issued.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. PENALTIES.

Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the cessation order and proposed fine, please submit that to DOGM within *15 days of the date this notice or order is served on you or your agent*. Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, no later than 30 days of the issuance of this notice or order. See Utah Admin. Code R645-401-600 et. seq.

The penalty will be final unless you or your agent file, within 15 days of receipt of the proposed assessment, a written request for an informal hearing before the assessment officer.

Assessment. For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. You will be issued a Cessation Order requiring cessation of surface coal mining operations or the portion of the operations relevant to the violation.

2. INFORMAL PUBLIC HEARING.

On the reverse side of this page, an authorized representative has made a finding as to whether or not this notice requires cessation of mining. If this order or notice requires cessation of mining, expressly or in practical effect, you may request that an informal public hearing be held at or near the mine site. If you wish an informal public hearing be held, please contact an authorized representative from DOGM. See Utah Admin. Code R645-400-350 et seq. Once an informal public hearing is scheduled, you will be notified of the date, time, and location of the hearing.

If this notice requires cessation of mining, it will expire within 30 days from the date you are notified unless an informal public hearing is held or waived, or the condition, practice, or violation is abated within the 30-day period.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may appeal this notice or order to the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of this notice or order. See Utah Admin. Code R645-300-164.300. Please submit the application for hearing to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for “*temporary relief*” from this notice. Procedures for obtaining a formal board hearing are contained in the Board’s Rules of Practice and Procedure and in Utah Admin. Code R645-401-800 et. seq.

4. EFFECT ON PERMIT.

The permit may be suspended or revoked if it is determined that a pattern of violations of the Act, regulations or permit conditions exists, and that the violations were caused by an unwarranted or willful failure to comply.

For further information, consult Utah Code Ann. § 40-10-20 through 40-10-23 and Utah Admin. Code R645-400-300 et. seq. and R645-401 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.



GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Oil, Gas and Mining

JOHN R. BAZA
Division Director

Inspection Report

Permit Number:	C0250005
Inspection Type:	PARTIAL
Inspection Date:	Wednesday, April 20, 2011
Start Date/Time:	4/20/2011 9:30:00 AM
End Date/Time:	4/20/2011 4:00:00 PM
Last Inspection:	Tuesday, April 05, 2011

Inspector: Priscilla Burton

Weather: Sun light wind 55 F

InspectionID Report Number: 2721

Accepted by: dhaddock
5/2/2011

Representatives Present During the Inspection	
OGM	Priscilla Burton
OGM	Pete Hess
OGM	James Owen
OGM	Kevin Lundmark
Company	Kirk Nicholes

Permittee: **ALTON COAL DEVELOPMENT LLC**

Operator: **ALTON COAL DEVELOPMENT LLC**

Site: **COAL HOLLOW**

Address: **463 North 100 West, Suite 1, CEDAR CITY UT 84720**

County: **KANE**

Permit Type: **PERMANENT COAL PROGRAM**

Permit Status: **ACTIVE**

Current Acreages

635.64	Total Permitted
435.00	Total Disturbed
	Phase I
	Phase II
	Phase III

Mineral Ownership

- ☒ Federal
☐ State
☐ County
☒ Fee
☐ Other

Types of Operations

- ☐ Underground
☒ Surface
☐ Loadout
☐ Processing
☐ Reprocessing

Report summary and status for pending enforcement actions, permit conditions, Division Orders, and amendments:

Inspector's Signature:

Priscilla Burton

Priscilla Burton,

Inspector ID Number: 37

Date Thursday, April 21, 2011



Note: This report was prepared by the Division of Oil, Gas and Mining, which is a part of the Department of Natural Resources. The Division of Oil, Gas and Mining is responsible for the regulation and management of the State's oil, gas, and coal resources. The report is subject to review and approval by the Division Director.

telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7458 • www.ogm.utah.gov

Permit Number: C0250006
 Inspection Type: PARTIAL
 Inspection Date: Wednesday, April 20, 2011

Inspection Continuation Sheet

Page 2 of 4

REVIEW OF PERMIT, PERFORMANCE STANDARDS, PERMIT CONDITION REQUIREMENTS

1. Substantiate the elements on this inspection by checking the appropriate performance standard.
 - a. For COMPLETE inspections provide narrative justification for any elements not fully inspected unless element is not appropriate to the site, in which case check Not Applicable.
 - b. For PARTIAL inspections check only the elements evaluated.
2. Document any noncompliance situation by reference the NOV issued at the appropriate performance standard listed below.
3. Reference any narratives written in conjunction with this inspection at the appropriate performance standard listed below.
4. Provide a brief status report for all pending enforcement actions, permit conditions, Divison Orders, and amendments.

	Evaluated	Not Applicable	Comment	Enforcement
1. Permits, Change, Transfer, Renewal, Sale	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Signs and Markers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Topsoil	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.a Hydrologic Balance: Diversions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.b Hydrologic Balance: Sediment Ponds and Impoundments	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.c Hydrologic Balance: Other Sediment Control Measures	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4.d Hydrologic Balance: Water Monitoring	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.e Hydrologic Balance: Effluent Limitations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5. Explosives	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Disposal of Excess Spoil, Fills, Benches	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Coal Mine Waste, Refuse Piles, Impoundments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Noncoal Waste	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Protection of Fish, Wildlife and Related Environmental Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Slides and Other Damage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Contemporaneous Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Backfilling And Grading	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Subsidence Control	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. Cessation of Operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16.a Roads: Construction, Maintenance, Surfacing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16.b Roads: Drainage Controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Other Transportation Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Support Facilities, Utility Installations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. AVS Check	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20. Air Quality Permit	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21. Bonding and Insurance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22. Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Signs and Markers

Subsoil signs are on order for the second subsoil stockpile which is taking shape. A sign for the 'in situ' subsoil stockpile was requested.

3. Topsoil

Topsoil stockpile #1 had been seeded the day before. Prior to seeding, slash removed from the mine yard was placed on top of the stockpile. A ditch/berm surrounds the pile. Topsoil pile #3 is being transferred to its new location. Topsoil from Robinson Creek is windrowed and protected with berms on either side of the Creek. As the soil dries out and it becomes accessible, it is being transferred to Topsoil Pile #2. Topsoil pile #2 has a containment berm. At the time of the inspection, the berm was breached for the purpose of depositing additional topsoil. The finished half of topsoil Pile #2 has been graded to a 3h:1v slope and was seeded. Mr. Nicholes plans to place grubbed vegetation/slash on the pile to create surface roughening for wind protection and to promote water infiltration. If the slash is not brought to the pile, the surface of the pile will be roughened and reseeded.

4.a Hydrologic Balance: Diversions

Diversion Ditches 3 and 2 were inspected. Ditch 3 had recently been seeded and no flow was observed. The Division requested the Operator to construct a berm along the west side of Ditch 3 from the ditch's terminus north to the topsoil stockpile to prevent disturbed area drainage from entering the (undisturbed drainage) Ditch 3. The Division also requested the Operator to place strawbales in Ditch 3 at the ditch terminus, midway between the terminus and the NE corner, and above the undisturbed drainage north of the topsoil pile. Operator was also requested to clean up / establish swale from undisturbed drainage north of the topsoil pile to Ditch 3. Operator was requested to pull back soil onto the safety berm along haul road south of the 24-inch culvert and to slope safety berm to the west. The berm at east corner of pond 1B requires maintenance.

Culverts need to be numbered for identification in the MRP and during inspections. After identifiers are established, t-posts with culvert IDs should be installed at each culvert. No flow was observed in the 24-inch culvert under the haul road. Flows in the 36-inch culvert (tributary to LRC) and 96-inch culvert (LRC) were visually estimated as 5 to 10 gpm and 10 to 20 gpm, respectively. Culvert east of Pond 1 requires maintenance to remove partial obstruction by sediment.

4.b Hydrologic Balance: Sediment Ponds and Impoundments

Ponds 1, 1B and 2 require oil skimmers (see MRP p. 7-78). Inlets to sediment ponds require rip-rap to stabilize embankments. Operator was pumping water from Pond 2 for use in water trucks. Pond 3 was discharging during inspection, approx. 1 gpm (visual estimate). The Division suggested that the Permittee install sediment level markers in each of the sediment ponds to visually monitor the 60 % cleanout elevation. The cleanout elevations are established in the MRP.

4.c Hydrologic Balance: Other Sediment Control Measures

Silt fence N of LRC should be removed from haul road to Pond 1 outlet culvert. The silt fence crossing the undisturbed drainages east of Ditch 3 should be removed. Silt fence requires maintenance between Pond 1 outfall and CR 138 closure point (along south side of Pond 1B).

4.e Hydrologic Balance: Effluent Limitations

Water was being discharged at 12 L/min (measured) from a 4-inch PVC pipe draining the ad-hoc impoundment created in the former LRC channel. Operator began discharging today upon receipt of RCRA metals analysis of impounded water. Prior to today, water was pumped. Operator did not consult with Division prior to discharging the impounded water. A Notice of Violation will be issued since this is not a permitted outfall location under the UPDES permit. Source of impounded water is reportedly from springs / seeps in the along former LRC in this location, but also includes runoff from the disturbed area adjacent to Lower Robinson Creek. .

12. Backfilling And Grading

Backfilling of coal pit #1 was occurring during today's inspection. Pit #2 is being uncovered at this time.

14. Subsidence Control

No unstable highwalls were observed during today's inspection.

16.a Roads: Construction, Maintenance, Surfacing

Operator was placing gravel on roads on day of inspection.

16.b Roads: Drainage Controls

Ditches along CR 139 at LRC require maintenance.

18. Support Facilities, Utility Installations

AC power at this site is provided by two diesel generators.

20. Air Quality Permit

Two water trucks were observed at Pond #2, as they were being re-filled. The smaller truck is a six wheel unit with a 5,000-6,000 gallon capacity. The larger unit is a Caterpillar type tank unit estimated at 20-30,000 gallons. Roads were being watered during today's inspection.